## REMARKS

Claims 1-3, 5 and 6-14 are now pending, with claims 1 and 6 being in independent form. Dependent claim 4 has been canceled. Claims 1-3, 5 and 6 have been amended. Independent claims 1 and 6 have been amended to incorporate the subject matter of canceled dependent claim 4. Dependent claims 7-14 have been added. Additional support for the amendments to independent claims 1 and 6 may be found, for example, in Fig. 1 and at pg. 3, lines 20-23 of the specification as originally filed. Support for new dependent claims 7, 8, 10 and 11 may be found, for example, in Fig. 2 and at pg. 5, lines 3-9 of the specification as originally filed. Support for new dependent claims 9 and 12 may be found, for example, in Fig. 2 and at pg. 6, lines 6-10 of the specification as originally filed. Support for new dependent claims 13 and 14 may be found, for example, in Fig. 2 and at pg. 3, lines 14-16 of the specification as originally filed. The amendments to claims 2, 3 and 5 correct minor claim wording, and are cosmetic in nature. No new matter has been added. Reconsideration of the above-identified application, in view of the following amendment and remarks, is respectfully requested.

In the November 2, 2009 Advisory Action, the Examiner asserted that "the language 'wherein said detection circuit is disposed between the on-off circuit and the fuel pump arrangement functionality means'" as recited in now amended independent claims 1 and 6 "raises the issue of new matter because applicant has not identified support for the new limitation in the specification as originally filed".

Applicants accordingly note that the term "wherein said detection circuit is disposed between the on-off circuit and the fuel pump arrangement functionality means" is supported by *at least* Fig. 1 of the drawings. Fig. 1 shows, *inter alia*, tank electronics (TE) 34, fuel pump 32 and power supply facility 46. Fig. 2 is a detailed schematic block diagram of TE 34.

As explained at pg. 3, lines 20-23 of the instant specification, "[p]ower supply facility 46 provides adequate power to various ones of the subsystems 24, 28, 20, and 32/34, which may pertain both to standard electric voltages and also to dynamic or cyclic activation signals of an appropriate temporal character". Returning to Fig. 1, it is clear that TE 34 (i.e., the detection circuit) is located between the fuel pump 32 and the on-off circuit (i.e., the power supply facility 34). Accordingly, amended independent claims 1 and 6 are fully supported by the specification and the drawings do not contain new matter.

**Rejection of Claims under 35 U.S.C. §102 and §103**

Claims 1 and 4-6 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,703,414 ("*Mutoh*"). Claims 2-3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Mutoh* in view of U.S. Patent No. 6,144,112 ("*Gilmore*"). Lastly, claims 1-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Mutoh* in view of U.S. Patent No. 5,600,723 ("*Woodall*"). For the following reasons, reconsideration and withdrawal of these rejections are respectfully requested.

Independent claims 1 and 6 have been amended to recite, *inter alia*, "said detection circuit is disposed between the on-off control circuit and the fuel pump arrangement functionality means, wherein said detection circuit determines whether a pre-established code word is received from a drive-off security electronic circuit, said on-off control circuit being triggered to electronically switch off the fuel pump arrangement functionality means if no code word or an erroneous code word is received". *Mutoh* fails to teach or suggest this limitation. In fact, the combination of the cited art fails to teach or suggest this limitation.

The Examiner (at pg. 3 of the Office Action) asserts that:

> Mutoh '414 discloses a drive-off security electronic circuit (transmitter 4 in key 2 of fig. 6) wherein said detection circuit

> determines whether a pre-established code word (ID code) is received from the drive-off security electronic circuit, said on-off control circuit being triggered to electronically switch off the fuel pump if no code word or an erroneous code word is received (halt control if ID does not match in col. 3 line 49 - col. 4 line 25). Alternatively, the theft detector 10a may be considered a drive-off security electronic circuit and the immobilization determining section 16b may be considered a detection circuit that provides an instruction to halt operation if it does not receive an enable code or receives a theft code".

Applicants disagree.

Figure 6 of *Mutoh* depicts a prior art configuration in which the transmitter 4 in the vehicle key 2 provides an ID code. However, the location of the detection circuit 10a is not between the fuel pump and the ECU 16, as required by now amended independent claims 1 and 6. As shown in Fig. 6 of *Mutoh*, the engine control unit 16 is located between the immobilizer 10 and the fuel pump. Accordingly, *Mutoh* fails to teach now amended independent claims 1 and 6.

As for the Examiner's alternative construction, the immobilization determining section 16b shown in Fig. 1 is connected on one side of the ECU 16a and the fuel pump is connected to the ECU 16a on its opposite side. Here, as before, the immobilization determining section 16b is not disposed between the ECU 16a and the fuel pump 18 of the *Mutoh* system, as would be required by now amended independent claims 1 and 6. *Mutoh* fails to teach or suggest now amended independent claims 1 and 6.

In view of the above remarks, the rejection of independent claims 1 and 6 under 35 U.S.C. §102 should be withdrawn.

The Examiner (at pg. 4 of the Office Action) concedes *Mutoh* fails to teach or suggest "the physical position of the apparatus of claims 2 and 3," and cites *Gilmore* and *Woodall* to provide these claimed features". Applicants, however, respectfully disagree that any combination of *Mutoh*, *Gilmore* and/or *Woodall* achieves the electronic device of independent claims 1 and 6.

*Gilmore* discloses a system and method related to immobilizing and enabling a fuel pump for a motor vehicle (see col. 1, lines 5-7). *Gilmore* (col. 2, lines 39-42) explains that "the engine control unit ... performs the initial authorization that permits a valid user of the motor vehicle to start the vehicle. In this initial stage, the engine control unit is in the position of a 'master', and the pump control unit is in the position of a 'slave'". The system of *Gilmore* additionally "provides a second stage of security authorization, in which the pump control unit becomes the 'master', and the engine control unit becomes the 'slave'. Unless the pump control unit receives the correct response from the engine control unit, it cannot be activated to run the fuel pump" (see col. 2, lines 54-59). *Gilmore* thus teaches a two-stage process for enabling the operation of a motor vehicle.

*Woodall*, on the other hand, discloses that "a vehicle anti-theft system in the form of a mechanically interengagable electronic key and lock includes stored key and vehicle identifiers in both the key and in the lock" (see Abstract).

*Gilmore* and *Woodall* make no mention whatsoever of a drive-off security electronic circuit that is disposed between the on-off control circuit and the fuel pump arrangement, as recited in now amended independent claims 1 and 6.

The combination of *Mutoh*, *Gilmore* and *Woodall* thus fails to achieve the expressly recited subject matter of independent claims 1 and 6, because *Gilmore* and *Woodall* fail to provide what *Mutoh* lacks. Dependent claims 2, 3 and 5, as well as new dependent claims 7-14, are thus also patentable for at least the same reasons as is independent claims 1 and 6, as well as for the additional recitations contained therein.

Based on the foregoing remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

Should the Examiner have any comments, questions, suggestions, or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,
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